

PATENT
Attorney Docket No.: INVIT1120-2

J1046 U.S. PRO
09/990091
11/21/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez et al. Art Unit: 1646
Serial No.: 09/843,281 Examiner: Not yet assigned
Filed: April 25, 2001
Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE
SEQUENCES

Box MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

PETITION REQUESTING PROCESSING AND RETENTION OF
PATENT APPLICATION UNDER 37 C.F.R. § 1.53(f)

Sir:

In connection with the above-identified patent application, it is respectfully requested that the application be processed and maintained as provided under 35 U.S.C. § 1.53(f).

The subject non-provisional application has met the requirements for obtaining a filing date under 35 U.S.C. § 1.53(b) in that a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to 37 C.F.R. 1.71 and at least one claim pursuant to 37 C.F.R. 1.75 and any drawing required by 37 C.F.R. 1.81(1) was filed in the U.S. Patent and Trademark Office on April 25, 2001.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, November 21, 2001, in an envelope addressed to: Box MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231.	
<u>Aldon Griffis</u> (Name of Person Mailing Paper)	
<u>Aldon Griffis</u> (Signature)	November 21, 2001 (Date)

In re Application of
Fernandez et al.
Application No.: 09/843,281
Filed: April 25, 2001
Page 2

PATENT
Attorney Docket No.: INVIT1120-2

An oath or declaration and basic filing fee has not been filed with respect to the subject application. A Notice of Missing Parts, indicating that the oath or declaration of the inventors must be filed, was mailed by the U.S. Patent and Trademark Office on May 24, 2001, and was due July 24, 2001. This request for processing and retention of the subject application is being filed with the fee required under 37 C.F.R. 1.21(l), along with a Petition for a Four (4) month extension of time to November 24, 2001. Accordingly, this Petition Requesting Processing and Retention of the subject patent application is being filed during the pendency of the application as required under 37 C.F.R. 1.53(f).

In connection with the filing of this Request, a Continuation Application under 37 C.F.R. 1.53(b) and claiming the benefit of priority of the subject application under 37 C.F.R. 1.78, is being filed herewith.

It is submitted that the requirements for retention and processing of the subject application and for claiming priority to the subject application have been met. The Commissioner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

In re Application of
Fernandez et al.
Application No.: 09/843,281
Filed: April 25, 2001
Page 3

PATENT
Attorney Docket No.: INVIT1120-2

Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,



Lisa A. Haile
Lisa A. Haile, J.D., Ph.D.
Reg. No. 38,347
Attorney for Applicant
Telephone No.: (858) 677-1456
Facsimile No.: (858) 677-1465

USPTO Customer No. 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133